

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

ROBERT M. FOX,
Plaintiff,

vs.

COUNTY OF CAYUGA , et al.,
Defendants,

5:2002-CR-01445(HGM/DEP)

Of Counsel:

APPEARANCES:

FOR PLAINTIFF:

SIEGEL, KELLEHER LAW FIRM
420 Franklin Street
Buffalo, New York 14202

Marcie J. Mason, Esq.

FOR DEFENDANT CAYUGA COUNTY:

GOLDBERG SEGALLA LAW FIRM
5789 Widewaters Parkway
Syracuse, New York, 13214

Kenneth M. Alweis, Esq.
Sandra J. Sabourin, Esq.

FOR DEFENDANT PINCKNEY:

PETRONE & PETRONE, P.C.
1624 Genesee Street
Utica, New York 13502

David H. Walsh, IV, Esq.

HOWARD G. MUNSON, Sr. J.

ORDER ADOPTING REPORT AND RECOMMENDATION

Presently before this Court is the Report and Recommendation of the Hon.

David E. Peebles, USMJ, dated September 6, 2006, ruling on a final determination of attorneys fees and reasonable expenses as referred to Magistrate Judge Peebles by this Court's July 11, 2006 Decision and Order, Dkt. 61.

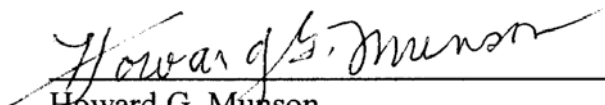
Pursuant to 28 U.S.C. § 636(b)(1), plaintiff had ten days to file objections to the instant Report and Recommendation, which was electronically filed and served upon plaintiff's attorneys on September 6, 2006. The Court allowed 14 days from the filing of the Report and Recommendation to September 20, 2006 for plaintiff to file objections, and although the time to object has expired, no objections have been received by this Court or Magistrate Judge Peebles.

Therefore, the court having satisfied that there is no clear error on the face of the record, adopts in its entirety the Report and Recommendation of the Hon. David E. Peebles, USMJ, dated September 6, 2006, and orders that attorneys' fees in the amounts of \$1,310.40 and \$931.50, be awarded to defendant Cayuga County and defendant Pinckney respectively, and that this amount be entered against the plaintiff and his attorneys the Siegel Kelleher and Kahn Law Firm (Marcie J. Mason, Esq., of counsel), jointly and severally in favor of the defendants in said amounts.

IT IS SO ORDERED

Dated: September 22 , 2006

Syracuse, New York


Howard G. Munson
Senior U.S. District Judge